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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-251*

13 **BENJAMIN VAN STAAVEREN, AKA**
14 **BENJAMIN J. VAN STAAVEREN, AKA**
15 **BENJAMIN JUSTIN VAN STAAVEREN**
16 **1463 Vasco Street**
17 **Manteca, CA 95337**

A C C U S A T I O N

18 **Registered Nurse License No. 570896**

19 Respondent.

20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
23 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
24 Department of Consumer Affairs.

25 **Registered Nurse License**

26 2. On or about August 24, 2000, the Board issued Registered Nurse License Number
27 570896 to Benjamin Van Staaveren, also known as Benjamin J. Van Staaveren, and also known
28 as Benjamin Justin Van Staaveren ("Respondent"). The registered nurse license was in full force
and effect at all times relevant to the charges brought herein and will expire on June 30, 2014,
unless renewed.

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1 **BACKGROUND INFORMATION**

2 8. On or about March 25, 2011, at approximately 0019 hours, C.C. was arrested for
3 public intoxication and was taken to a local hospital where he was cleared by a doctor. At
4 approximately 0415, C.C. was transported to the San Joaquin County Jail. C.C. was brought into
5 the booking area of the jail by two officers. Officers tried to rouse C.C., who appeared to be
6 flaccid and unconscious. C.C. remained motionless on the floor, still in handcuffs. Respondent
7 pulled on C.C.'s shirt to roll him onto his back and for approximately 4 minutes, Respondent
8 slapped C.C.'s face, twisted his nipples, kicked him multiple times in the ribs, and stood on C.C.'s
9 arm using the full weight of his right foot, while lifting his left foot off the floor. At no time
10 during this time frame did Respondent attempt to obtain C.C.'s vital signs. C.C. was returned to a
11 recovery area and no vitals were taken for another 30 minutes.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Gross Negligence)**

14 9. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(1),
15 on the grounds of unprofessional conduct, in that while on duty as a registered nurse at San
16 Joaquin County Jail, French Camp, California, and caring for C.C., an unresponsive detainee,
17 Respondent committed repeated acts constituting gross negligence, as defined in California Code
18 of Regulations, title 16, section 1442, as follows:

19 a. Respondent failed to perform timely vitals, a proper eye exam with pupil response, a
20 standard neurologic examination, or determine the level of consciousness as evidenced by
21 standard accepted techniques such as a sterna rub or hand drop test.

22 b. Respondent failed to proceed with summoning emergency services for C.C., who was
23 unconscious, by failing to contact his supervisor or call 911 to have C.C. returned to the hospital.

24 c. Respondent exhibited cruel and aggressive behavior by slapping C.C.'s face, kicking
25 his ribs, and standing on C.C.'s arm.

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1 SECOND CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 10. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on
4 the grounds of unprofessional conduct, as more particularly set forth in paragraph 8 and 9, above.

5 PRAYER

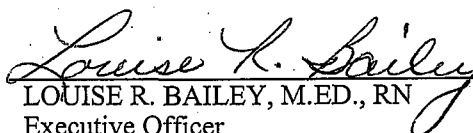
6 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
7 and that following the hearing, the Board of Registered Nursing issue a decision:

8 1. Revoking or suspending Registered Nurse License Number 570896, issued to
9 Benjamin J. Van Staaveren, also known as Benjamin J. Van Staaveren, and also known as
10 Benjamin Justin Van Staaveren;

11 2. Ordering Benjamin J. Van Staaveren, also known as Benjamin J. Van Staaveren, and
12 also known as Benjamin Justin Van Staaveren to pay the Board of Registered Nursing the
13 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
14 Professions Code section 125.3; and,

15 3. Taking such other and further action as deemed necessary and proper.

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18 DATED: OCTOBER 10, 2012


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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